## **Teacher Development and Evaluation in Minnesota:**

## An overview of the path to legislation and implementation

## 2011-2014

Teacher evaluation has reached new levels of sophistication in recent decades. Where once it may have been described primarily as a bureaucratic task, current efforts to assess and evaluate teaching practice are learning-focused processes designed with continuous improvement in mind—improvement of teaching practices, and improvement of student learning outcomes.

All professions seek to bring high standards or "best practice" to bear on the professional assessment of their members with the overall goal of having these professionals performing at a recognized level of excellence. Those who are served by the profession will be best served by those meeting such high standards. This will result in more effective professional practice and a more highly esteemed profession.

This paper provides a history of the Minnesota legislature's efforts to address these broad principles through the development of the specific and targeted teacher evaluation model that was piloted in Minnesota in the 2013-'14 school year. Minnesota's experience reflects the broader national trend toward developing more rigorous teacher evaluation systems, including many of the complicated issues being addressed in states across the country. No Child Left Behind required higher student achievement, and assessment of student outcomes against higher standards. It only seemed logical that the discussion would move to higher standards for teaching practice and assessment of teacher effectiveness.

One key issue in that move was whether and how to link teacher evaluation to student achievement. This issue reflects what research has long supported—that the quality of teaching is a major factor in student learning experiences and outcomes. How to differentiate what aspect of a student's performance is attributable to a particular teacher was a difficult but crucial question. Much of the resistance to or support for linking test scores to teachers lies in

how this question is answered. Two of the important sub-questions in that discussion are: How do we understand quality teaching as it effects successful learning? And, what is the role of quantitative measure(s) in that understanding?

This is the context for the legislative discussions of the past several years, particularly the 2011-12 and the 2013-14 sessions. What is the State's role in assuring quality teaching? How are teachers currently evaluated? Do all of the State's school districts have evaluation models in place? And, most telling and controversial, what is the role of student performance in an effective teacher evaluation model?

Of course prior to the laser focus on evaluation systems and models, the state had requirements in place meant to assure teacher quality and effectiveness. As noted in House Research/Short Subjects "State Laws on Teacher Quality and Effectiveness", Lisa Larson, 2014, in addition to teacher evaluation requirements there are several areas of State statute related to teacher quality and effectiveness:

- 1) "The Minnesota Board of Teaching approves teacher preparation programs and institutions."
- 2) "Teachers must satisfy teacher preparation and continuing education requirements."
- 3) "Continuing contract and tenured teachers are entitled to employment-related protections."
- 4) "Q-comp is a voluntary teacher advancement and compensation program."

"Q-Comp is a voluntary alternative teacher professional pay system, which allows interested districts, school sites, and charter schools and their teachers to develop and implement a professional teacher development and compensation plan specific to local needs. All Q-Comp plans contain five components: career advancement options; job-embedded professional development; an objective teacher evaluation plan aligned with the local staff development plan; performance pay that bases at least 60 percent of compensation increases for teacher performance on schoolwide student achievement gains and individual teacher evaluations; and an alternative salary schedule that is reflected in the local collective bargaining agreement and requires a "reformed" steps-and-lanes salary schedule."

## 5) "Teachers can also be nationally certified."

In addition to these elements of State statute, TAP (Teacher Advancement Program supported by the Milken Family Foundation) and Charlotte Danielson's <u>Framework for Teaching</u> have played an active role in teacher evaluation in many Minnesota school districts prior to recent legislation.

This was the context for the legislative dialogue around teacher evaluation during the 2011-12 biennium. In addition, conversations about No Child Left Behind, it's "highly qualified teacher" requirement, and related issues of tenure and "performance based" evaluations helped set the stage for the 2011 legislative session. These conversations underlay the expectation that a change in legislative leadership from DFL (Democratic Farmer Labor) to Republican would likely result in proposed changes in these areas. Hence the introduction by the new Republican majority of HF 945/SF 636 (Petersen, Olson) was not unexpected although its scope was broader than anticipated. As introduced, it included a requirement that every district adopt a "teacher appraisal framework" including performance ratings from 1 to 5 used to determine an "effectiveness rating" with "at least 50%" of the appraisal based on "student performance growth" determined by statewide assessments (if available). The proposed effectiveness rating would be a combination of the teacher's performance rating and the average growth of her students determined by state assessments as available. The framework also required "at least two annual evaluations by a school administrator and parent surveys". In addition there were requirements for administrator professional development, particularly as it relates to teacher and principal evaluation. The bill used the effectiveness ratings to develop a tiered licensure system and following a successful probationary period, offered a "continuing tenure system" with renewable three year contracts. An Unrequested Leave of Absence (ULA) procedure is based on the proposed tiered licensure system with bonuses offered based on tiered designations. While the details of this initial bill seemed to be guided more by national organizations and models than by grass roots involvement of local Minnesota school district

and educational organizations, it did much to focus the attention of legislators and constituents and to raise the level of conversation about teacher evaluation and how to best address it.

In the meantime, prior to the introduction of the Republican majority's proposal, the DFL minority had convened a stakeholders' group to move toward a "multiple measures" approach (earlier work in the preceding two bienniums had changed the State's student growth model and school report card to a multiple measures system rather than a single test score dominated measure) to teacher evaluation based on best practice and focused on professional development without "high stakes" consequences. That work was informed by prior efforts of many of the participants and resulted in HF 1173/SF 1010 (Brynaert, Sieben). The broad focus of the bill was to provide a "best practice" context that allowed individual districts and bargaining units to work out their own agreements on structuring that best practice vision. The legislation did not have a "high stakes" application (no direct consequences for licensure, employment or tenure although there would be disciplinary consequences for lack of progress in the teacher improvement process which could lead to consequences for employment). The legislation required that the Minnesota Department of Education convene a representative group of stakeholders to create a teacher evaluation process that would comply with the requirements of the bill and apply to all teachers not covered by an agreement between their school district and bargaining unit. The requirements that embody the "best practice" vision in the bill as introduced were:

- 1) Provide for all statutorily required evaluations for probationary teachers.
- 2) Establish a three year professional evaluation cycle that includes an individual growth plan, a peer review process, opportunity to participate in a professional learning community and at least one summative evaluation.
- 3) Be based on professional teaching standards established in rule.
- 4) Coordinate currently required staff development activities with teacher evaluation process and outcomes.
- 5) Provide time for peer coaching and teacher collaboration.

- 6) Include mentoring and induction programs.
- 7) Include a portfolio option demonstrating reflection and personal growth.
- 8) Use longitudinal data on student academic growth, student attendance, student engagement and connection and other measures of student learning.
- 9) Require qualified and trained administrators perform summative evaluations.
- 10) Give teachers not meeting professional teaching standards support to improve through a teacher improvement process.
- 11) Provide appropriate discipline for a teacher not making adequate progress.

During the regular session, as might be expected with common majorities in both bodies, the Petersen, Olson bill (HF 945) moved forward and was included in the Conference Committee report for the Education Omnibus bill. The Brynaert, Sieben bill did not receive a separate hearing but was offered in varying forms throughout the committee and floor process as an amendment to other education bills to create a discussion around common ground in best practice professional development without high stakes consequences.

HF 945, 2nd engrossment, was included in the Omnibus Education Finance bill, HF 934, which had no separate Senate companion. While there were a number of editorial and language changes between the bill as introduced and the second engrossment, there also were a few significant content changes:

1) The earlier recommendation of two annual evaluations by a school administrator was reduced to one. This change identified an ongoing concern: It was clear very early in these discussions that potential time demands on school administrators would be a critical consideration with a comprehensive teacher development and evaluation program. (This is evident in current state statute which reads "at least one summative evaluation performed by a qualified and trained evaluator such as a school administrator".)

- 2) In addition to the performance rating and teacher effectiveness rating a 'status designation' was added which identified a teacher's effectiveness over time.
- 3) A renewable 5 year contract replaced "continuing contract" language and, while contract renewal continued to be tied to the teacher appraisal framework, the tired licensure proposal was abandoned and there was no language regarding tenure.
- 4) The tiered licensure system was removed so the Unrequested Leave of Absence (ULA) process would be based on the teacher effectiveness rating rather than the earlier proposed tiered license system.
- 5) This engrossment included an Advisory Task Force on implementing the required teacher evaluation structure.

This bill became part of HF 934, the Omnibus Education bill and with procedural interactions with the Senate (SF 1030, Olson), the essential elements of HF 945 were included in the conference committee report which was vetoed by Governor Dayton on May 24, 2011. The reasons that the Governor itemized in his veto letter were both financial and policy in nature. Teacher evaluation was mentioned once: "The bill also contains numerous policies, including school grading, collective bargaining limitations, teacher evaluation, and Common Core prohibitions, which are controversial, are punitive to teachers, and have little research to support their efficacy in improving student learning and closing achievement gaps."

Questioning the research foundation of the proposed multi-level teacher evaluation structure had been an ongoing process both in committee and on the House floor throughout the session.

Governor Dayton also vetoed the other eight budget bills. Because Minnesota law requires a balanced budget for the biennium and a resolution to the budget impasse was not forthcoming a government shutdown began July 1, 2011. The legislature met in special session on July 20<sup>th</sup> with the budget bills being passed and signed into law that day, ending the government

shutdown. Budget and policy discussions that occurred between the end of the regular session on May 23<sup>rd</sup> and the convening of the special session on July 20<sup>th</sup> did not include formal committee work and were held "behind closed doors" between the legislative majority and the executive branch.

The policy impasse surrounding teacher evaluation was resolved in an unexpected manner. The language of HF 934 (the Omnibus Education bill of the regular session) as vetoed by the Governor regarding teacher evaluation was completely dropped in HF 26 (the Omnibus Education bill of the 2011 special session). The language contained in the special session education bill was the sum and substance of earlier discussed HF 1173, SF 1010 (Brynaert, Sieben). While the best practice vision represented in the language of the bill as originally introduced was embodied in HF 26, there are some differences that need to be noted:

- 1) Of the three evaluations that are already required of a probationary teacher, the first must occur within the first ninety days of teaching (HF 26, 38.15).
- 2) The peer coaching and teacher collaboration elements as well as the mentoring and induction program move from a "must" to a "may" (HF 26, 40.10-40.12). This change was drafted to HF 1173 as a result of a discussion with the Department of Education about the complexity of requiring these elements for smaller rural schools. An earlier variation of that change can be seen in amendment H1381A26 introduced in Education Finance on May 3, 2011 proposed to amend the language of representative Erickson's education policy Omnibus bill, HF 1381.
- 3) The key compromise between the language of HF 945 (Representative Petersen's bill from the regular session) and HF 1173 (Representative Brynaert's bill from the regular session) is contained in HF 26, 40.18 through 40.21: "must use an agreed upon teacher value-added assessment model for the grade levels and subject areas for which value-added data are available and establish state or local measures of student growth for the grade levels and subject areas for which value-added data are not available as a basis for 35 percent of teacher evaluation results;". This merges the requirement of HF 1173 to "use longitudinal data on

student academic growth...under section 120B.25" with the requirements of HF 945 that "(b) If statewide assessment results are available under section 120B.35, these results are the basis for 50 percent of a teacher's total appraisal. (c) If statewide assessment results are unavailable, 40 percent of a teacher's total appraisal must consist of results from districtwide assessments of state and local standards and another ten percent of the teacher's total appraisal must consist of results from teacher-developed assessments. (d) If no districtwide assessment results are available, 50 percent of a teacher's total appraisal must consist of teacher-developed and administrator-approved assessments of state and local standards." Two significant issues embodied in this compromise were the focus on student growth measures and value-added measures where they exist, rather than simple assessment results, both providing a more accurate approach to the data for which teachers should be held accountable. Some of the input on this discussion came from local school district assessment directors and the work of the Bush Foundation in partnership with several Minnesota post-secondary institutions on the use of value added data in teacher evaluations. (This language was broadened in 2013 to include value added among other measures of student growth.) With no percentage requirement attached to the growth data in HF 1173 and 50% attached to assessment results in HF 945, 35% was the agreed upon compromise (35% is also more strongly supported by research than 50%). While the language of the bill carried by DFL minority members in both bodies was the basis for the special session compromise, it was the Republican majority and the Executive branch that came to the specific language. One of the factors moving the final compromise was the coming federal requirements for a teacher evaluation framework with a specific connection to assessment results linked to a state's ability to qualify for a federal waiver from the requirements of No Child Left Behind. The relative strengths and weaknesses of these two issues warrants its own discussion but is beyond the scope of this report.

4) The fourth and final change to the language of HF 26 as compared to HF 1173 is in the composition of the consultant group charged with working with the Department of Education to "create and publish a teacher evaluation process that complies with the requirements of paragraph (b)". Parents, the Minnesota Business Partnership and the Minnesota Chamber of Commerce were added to the earlier proposed membership. This was preceded by approaches

from various organizations during the later days of the regular session. The Department in consultation with the noted consultant group is charged with actually creating a teacher evaluation process (what has come to be known as "Teacher Evaluation Default Model" since the legislation only requires the use of the model for districts and bargaining units that do not come to their own agreements, HF 26, 39.22 through 39.25). This is in contrast to the Advisory Task Force recommended under HF 945 which would "make recommendations related to implementing the state's teacher evaluation structure".

The resulting statute currently governing teacher evaluation is contained in current Minnesota statute 122A.40 and 122A.41. While the specific percentage requirement in the final legislation drew a lot of attention the true power of this law is in the charge to the Department of Education to create a model based on the best practices outlined in the statute. The consultant group working with the Department came to be called the Teacher Evaluation Work Group. This group met intensely from December of 2011 through January of 2013, most often independently but, in the earlier stages of work, in combination with the Principal Evaluation Work Group. Meetings continued less frequently between January of 2013 and January of 2015 as details of the state model were refined, evaluator training was developed and pilot projects were developed, rolled out and evaluated. The detailed work of this group is available at <a href="http://education.state.mn.us/MDE/Welcome/AdvBCT/TeacEvalWorkGrp/index.html">http://education.state.mn.us/MDE/Welcome/AdvBCT/TeacEvalWorkGrp/index.html</a>. The product of that work in the form of the state model ("Teacher Evaluation Default Model") is available at <a href="http://education.state.mn.us/MDE/EdExc/EducEval/TeachEval/index.html">http://education.state.mn.us/MDE/EdExc/EducEval/TeachEval/index.html</a>.

The legislation and the efforts of the working group have provided a context and a focus for the professional development and evaluation of Minnesota educators. Teacher evaluation efforts in local school districts (whether connected to Quality Compensation, "Q Comp", or not) preceded the legislation discussed here and continue today. The reports from the pilot projects make clear the need for increased and ongoing support from the state for these efforts to succeed. The evaluation model will continue to be scrutinized. There is great potential for improving the quality of our educators and the learning outcomes of our students. The tension around balancing the professional development objectives of the law with the potential high stakes

application of the data (consequences for tenure and employment) remains. The hope is to strengthen the development and application of the model before moving too quickly to high stakes consequences. The discussion and resultant debate continue to require the best research, practice and review that all of us have to offer.

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